IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 13897 of 1995

Between:

Syed Ahmed Mehdi, S/o Syed Mehdi Ali
R/o. 9-1-25, Langar House, Hyderabad (died) per L.Rs

1. Syed Jaffer, W/o Late Syed Ahmed Mehdi

2. Nawazish Mehdi, S/o Late Syed Ahmed Mehdi

3. Syed Hussain Mehdi, S/o Late Syed Ahmed Mehdi

4. Lalia Mehdi, S/o Late Syed Ahmed Mehdi

5. Sardar Fatima, D/o Late Syed Ahmed Mehdi

All R/o H.No.9-1-25, Langarhauz, Hyderabad.

(added as per Court order dated 24-03-2005 in WPMP No.3373/2005)

..... PETITIONER

AND

1 The Commissioner of Land Reforms and Urban Land Ceilings, Hyderabad. A.P.
2 The Special Officer and Competent Authority Urban Land

Ceilings, Hyderabad. A.P.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a WRIT OF MANDAMUS or any other appropriate writ or writs, order or direction, declaring the order dt 28.12.1992 passed in Proc No B1/2512/76 on the file of the second respondent and the order dt 20.04.1995 passed in Proc No Hyd/18/93 on the file of the first respondent as illegal, arbitrary and without jurisdiction, award costs; and pass such other and further orders.

Counsel for the Petitioner: MR.K.RAGHUVEER REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court made the following O R D E R:

WPMP No.3373 of 2005: L.R.Petition is allowed.

Heard learned counsel for the parties.

After the draft notification was issued under Section 8(1) of the Urban Lands (Ceiling and Regulation) Act, 1976, objections were filed by the petitioners. One of the objections was that the land in Sy.Nos.64, 65 and 66 of Langer House village was purely agricultural land and it was being used for agricultural purposes. The lands were earmarked for agricultural purposes in the master plan as well. This objection though considered, but the law on the subject in the light of the facts was not discussed in detail. The Basic Authority merely stated that there was no agricultural activity going on over the land in the crucial period. The Appellate Authority almost repeated what had been stated by the Basic Authority.

Learned counsel for the petitioners has drawn my attention to a judgment of this Court in ***Venkata Reddi vs. Commissioner of Land Reforms and Urban Land Ceilings.*** In this judgment, this Court was of the view that merely land remaining fallow would not mean that the land could not be treated as agricultural land. Therefore, I think that it would be necessary to refer the matter back to the original authority-the second respondent, who may consider the objection once again in the

light of the law laid down by this Court in the decision referred to above.

The writ petition is accordingly disposed of. No order as to costs.

_____

(Bilal Nazki,J)

24th March, 2005

vrn

To

1 The Commissioner of Land Reforms and Urban Land Ceilings, Hyderabad. A.P.

2 The Special Officer and Competent Authority Urban Land Ceilings, Hyderabad. A.P.

3 Two CCs to the Government Pleader for Land Acquisition, High Court of A.P., Hyderabad. (O.U.T.)

4 Two CD copies.